
Early Learning & Children's Services Committee

SSB 5510

Brief Description: Regarding notification in dependency matters.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Swecker and Shin).

<p style="text-align: center;">Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Requires additional language be included in the standard notice to parents regarding shelter care hearings and the child dependency process.

Hearing Date: 3/19/09

Staff: Sydney Forrester (786-7120)

Background:

Shelter Care Notices.

When a shelter care hearing is scheduled in a child's dependency case, a standard notice must be provided to the child's parent, guardian, or legal custodian. The notice must be understandable and take into consideration the parent's, guardian's, or custodian's primary language, level of education, and cultural issues, and must include specific information about:

- the date, time, and location of the hearing;
- legal rights, including the right to legal representation; and
- a description of orders the court may enter if the child is placed in out-of-home care.

Aggravating Circumstances.

After a finding of dependency, state and federal laws require that reasonable efforts be made to reunify the child with his or her family. The exception to the requirement for reasonable efforts toward reunification is where the court finds by clear, cogent, and convincing evidence that

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aggravating circumstances exist. In making this determination, the court must consider one or more factors relating to:

- a parent's conviction of child rape; criminal mistreatment; assault of a child; murder, manslaughter, or homicide by abuse of the child's other parent or sibling, or of another child; or attempting, soliciting, or conspiring to commit one of these crimes;
- a finding by a court that the parent is a sexually violent predator;
- a parent's failure to complete available treatment ordered in a child dependency case where the failure resulted in the termination of parental rights as to another child and the parent has failed to effect significant change in the interim;
- a parent's abandonment of a child under age three; and
- a parent's conviction for a sex offense or incest when the offense results in the birth of a child.

Notwithstanding a finding by the court that aggravating circumstances do exist, reasonable efforts may still be required if either the court or the Department of Social and Health Services (DSHS) determines such efforts are in the child's best interests.

Petitions for Termination of Parental Rights.

Federal and state laws require the filing of a petition to terminate the parental rights (TPR petition) of the parent of a child who has been in out-of-home care when certain criteria are met relating to the length of time the child has been in foster care, the circumstances requiring the foster care placement, and the progress made towards reunification.

Summary of Bill:

The required elements of the shelter care notice to parents are expanded to include:

- a statement indicating that concurrent permanency planning will occur;
- an explanation of what concurrent planning is; and
- a warning that the dependency process is a legal process which could lead to the permanent loss of parental rights if the parent fails to participate in services offered.

The DSHS is required to add the new elements to the standard shelter care notice when the forms are reprinted.

Appropriation: None.

Fiscal Note: Requested on March 18, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.